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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/07

SPONSOR Hall LAST UPDATED _____ HB 769

SHORT TITLE Certain Stalkers as Sex Offenders SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)
 Public Education Department (PED)
 Department of Public Safety (DPS)
 Attorney General's Office (AGO)
 Administrative Office of the Courts (AOC)
 New Mexico Corrections Department (NMCD)

SUMMARY

Synopsis of Bill

House Bill 769 amends Section 29-11A-3 to include the crime of aggravated stalking when the victim is under 16 years old within the definition of "sex offense." The proposed legislation also amends Section 29-11A-5 NMSA 1978 to add aggravated stalking when the victim is under 16 years old to the list of offenses triggering a ten-year retention of sex offender registration information following conviction, release from prison or release from probation or parole, whichever comes first. The proposed legislation also cleans up language and inserts appropriate gender-neutral language.

FISCAL IMPLICATIONS

NMCD states the proposed legislation probably would only result in minimal number of new convictions and result in only minimal increases in the department's prison population and

probation and parole caseloads. NMCD reports the annual cost of incarcerating an inmate is \$23,867 per year for males and \$21,651 per year for females. The cost per client in probation and parole for a standard supervision program is \$1,467 per year, for an intensive supervision program is \$3,383 per year, for a NMCD community corrections program is \$3,503 per year, for a privately-owned community corrections program is \$7,917 per year, and for male and female residential community corrections program is \$39,401 per year.

AOC states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. AOC reports any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and appeals from convictions. AOC notes new laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts requiring additional resources.

SIGNIFICANT ISSUES

DPS states adding aggravated stalking to the predicate list of sex offenses would be almost seamless to the Law Enforcement Records Bureau. DPS states that “clean-up language changes to the Sex Offender Registration Notification Act should be left up to the governor and statutorily appointed Sex Offender Management Board.”

PERFORMANCE IMPLICATIONS

AOC states the proposed legislation may have an impact on performance measures pertaining to cases disposed of as a percent of cases filed and percent change in case filings by case type.

ADMINISTRATIVE IMPLICATIONS

NMCD states sex offenders require more intensive supervision on probation or parole than the average probationer or parolee. NMCD notes more sex offenders result in more supervision work for probation and parole officers, who already have high case loads. The average standard caseload for a probation and parole officer is currently 120.

AOC states as penalties become more severe, the defendants may invoke their right to trial or their right to trial by jury. AOC notes more trials and more jury trials will require additional judge time, courtroom staff time, courtroom availability and jury fees.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation has a relationship to Senate Bill 450, Senate Bill 464, Senate Bill 439, Senate Bill 528, House Bill 663, House Bill 578 and House Bill 476, which all deal with sex offender related issues.